

FIRST REGULAR SESSION

SENATE BILL NO. 176

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Pre-filed December 30, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1092S.01I

AN ACT

To repeal section 479.190, RSMo, and to enact in lieu thereof one new section relating to municipal courts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 479.190, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 479.190, to read as follows:

479.190. 1. Any judge hearing violations of municipal ordinances may,
2 when in his **or her** judgment it may seem advisable, grant [a] parole or
3 probation to any person who [shall plead guilty or who shall be convicted] **is**
4 **found guilty** after a trial before such judge. When a person is placed on
5 probation, he **or she** shall be given a certificate explicitly stating the conditions
6 on which he **or she** is being released.

7 2. In addition to such other authority as exists to order conditions of
8 probation, the court may order conditions which the court believes will serve to
9 compensate the victim of the [crime] **offense**, any dependent of the victim, or
10 society in general. Such conditions may include, but need not be limited to:

11 (1) Restitution to the victim or any dependent of the victim, in an amount
12 to be determined by the judge; and

13 (2) The performance of a designated amount of free work for a public or
14 charitable purpose, or purposes, as determined by the judge.

15 3. A person may refuse probation conditioned on the performance of free
16 work. If he **or she** does so, the court shall decide the extent or duration of
17 sentence or other disposition to be imposed and render judgment
18 accordingly. Any county, city, person, organization, or agency, or employee of a
19 county, city, organization or agency charged with the supervision of such free

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 work or who benefits from its performance shall be immune from any suit by the
21 person placed on parole or probation or any person deriving a cause of action from
22 him **or her** if such cause of action arises from such supervision of performance,
23 except for intentional torts or gross negligence. The services performed by the
24 probationer or parolee shall not be deemed employment within the meaning of the
25 provisions of chapter 288.

26 4. The court may modify or enlarge the conditions of probation at any time
27 prior to the expiration or termination of the probation term.

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Bill

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